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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/639,508	08/16/2000	Richard S. Chomik	460.1891USV	3194
7590 08/04/2010				
Charles N.J. Ruggiero Esq OHLANDT GREELEY RUGGIERO & PERLE LLP One Landmark Square Stamford, CT 06901-2682				
EXAMINER				
DEXTER, CLARK F				
ART UNIT		PAPER NUMBER		
3724				
MAIL DATE		DELIVERY MODE		
08/04/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/639,508

Applicant(s)

CHOMIK ET AL.

Examiner

Clark F. Dexter

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15, 16, 25-29 and 41 is/are pending in the application.
- 4a) Of the above claim(s) 27-29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15, 16, 25, 26 and 41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 September 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-855)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 23, 2010 has been entered.

Claim Rejections - 35 USC § 112, 2nd paragraph

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 15, 16, 25, 26 and 41 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 16, line 6, the recitation is vague as to the location of the residual, and it is suggested to insert --each of-- before "said plurality" or the like; in line 10, the recitation of "perforations" is vague as to what disclosed structure it refers, particularly in view of the recitation thereof in the preamble of this claim and in view of the corresponding structure as described in the specification of the present application; in

lines 12-13, the recitation "a corresponding centerline" is vague as to whether it refers to one of those previously set forth or to another such centerline.

For applicant's convenience, proposed claims 16 and 41 have been provided below to obviate the outstanding rejections.

It is suggested to rewrite claim 16 as follows:

-- 16. (currently amended) A method of forming a plurality of perforations in a concavely curved domed portion of a vent disc, which comprises:

forming a plurality of upwardly extending depressions in an undersurface of said domed portion while leaving a residual of said domed portion above each of said ~~plurality of~~ depressions, said ~~plurality of~~ depressions each having a centerline, each of said centerlines of said ~~plurality of~~ depressions being coincident with a radius that forms a concave curvature of said domed portion; and

forming a ~~slit plurality of perforations~~ through each said residual, said ~~slits plurality of perforations~~ being resealable and each having a centerline, each of said centerlines of said ~~slits plurality of perforations~~ being formed coincident to a corresponding one of said centerlines ~~of one of~~ said ~~plurality of~~ depressions, wherein said ~~perforations are~~ slits that have a width of about 0.040 to about 0.080 inches, and wherein said domed portion is elastomeric.--

It is suggested to rewrite claim 41 as follows:

-- 41. (currently amended) The method of claim 16, wherein said forming of said ~~plurality of~~ slits in said vent disc is effected, so that, when said vent disc is seen in top

view, said plurality of slits are arranged in a pattern, said pattern having a central area from which radiates outwardly a series of 12 radial extensions equally circumferentially angularly spaced 30 degrees from each other, each of said radial extensions having four of said equally radially spaced individual slits ~~and each of said equally radially spaced plurality of individual slits having an underlying one of said plurality of depressions.--~~.

Allowable Subject Matter

4. Claims 15, 16, 25, 26 and 41 are allowable over the prior art of record.
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark F. Dexter whose telephone number is (571)272-4505. The examiner can normally be reached on Mondays, Tuesdays, Thursdays and Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571)272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/Clark F. Dexter/
Primary Examiner, Art Unit 3724**

cfd
August 2, 2010